

PUBLIC SESSION MINUTES
North Carolina State Board of CPA Examiners
May 16, 2005
1101 Oberlin Road
Raleigh, NC 27605

MEMBERS ATTENDING: Leonard W. Jones, CPA, President; Arthur M. Winstead, Jr., CPA, Vice President; Jordan C. Harris, Jr., Secretary-Treasurer; Norwood G. Clark, Jr., CPA (via telephone conference call); Tyrone Y. Cox, CPA; Thurman L. Gause; and Michael C. Jordan, CPA.

STAFF ATTENDING: Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Ann J. Hinkle, Manager-Professional Standards; Buck Winslow, Manager-Licensing; Jodi Nelson, Assistant-Licensing; and Noel L. Allen, Legal Counsel.

GUESTS: Sharon Bryson, Deputy Director, NCACPA; and Tom Chenoweth, CPA, Highland Publishing Company.

CALL TO ORDER: President Jones called the meeting to order at 10:04 a.m.

MINUTES: The minutes of the April 20, 2005, meeting were approved as submitted.

FINANCIAL AND BUDGETARY ITEMS: The financial statements for April 2005 were accepted as submitted.

LEGISLATIVE AND RULE-MAKING ITEMS: The Board reviewed Senate Bill 622, Section 6.1(e) as it relates to occupational licensing boards. Board staff will follow this legislation and will work for removal of this section from the Bill.

NATIONAL ORGANIZATION ITEMS: Messrs. Jordan and Winstead moved to send a letter to NASBA in support of Ellis Dunkum, CPA (Virginia), for NASBA Director-at-Large. Motion passed.

Messrs. Harris and Winstead moved to send a letter to NASBA in support of Charles Talbert, CPA (South Carolina), for NASBA Mid-Atlantic Regional Director. Motion passed.

Messrs. Harris and Gause moved to recommend that the NASBA/AICPA International Qualifications Appraisal Board (IQAB) review the application of the Hong Kong Institute of CPAs for mutual recognition. Motion passed.

The Board reviewed the April 26, 2005, letter from the NASBA CPA Examination Review Board (ERB) which stated that the ERB will no longer issue the "comfort letter" on a quarterly

basis because of a change in the scoring process. The ERB will continue to provide its Annual Report to the member boards.

The Board reviewed the May 10, 2005, CPA Examination Alert from NASBA.

The Board reviewed and approved responses to the AICPA's March 18, 2005, Exposure Draft, the AICPA's March 30, 2005, Exposure Draft, and the PCAOB's March 31, 2005, Exposure Draft.

STATE AND LOCAL ORGANIZATION ITEMS: The Board reviewed the Report of the Oversight Visit to the NCACPA to review the administration of the AICPA Peer Review Program.

REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE: Mr. Winstead moved and the Board approved the following recommendations of the Committee:

200310-046 - Stephen Howard Gibson - Approve the signed supplemental Consent Order (Appendix I).

200405-021 - Randall Davis Blackburn - Approve the signed Consent Order (Appendix II).

200405-021 - Approve the Notice of Hearing for August 22, 2005, at 10:00 a.m.

REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE: Mr. Gause moved and the Board approved the following recommendations of the Committee:

Transfer of Grades Applications - The following were approved:

Jeffrey Brian King
Sarah Anne Sealey

Original Certificate Applications - The following were approved:

Pamela Ward Anderson
Amy Catherine Bonnette
Allison Best Briley
William Sherrod Brown III
Brian M. Fields
Chadd Scott Fisher
Jason W. Grooters
David Reece Helms
Pamela Price Helton
Jared Reid Horton
Hana Hunter
Cory Val Johnson

Karen Annette Keller
Jeffrey Brian King
Greta Ginn Meads
Julie Heather Meister
Kristy Lynn Michue
Christopher Andrew Moore
Brian David Nordby
Seldon Elijah Patty
Kelly Ann Pedersen
Jared L. Piland
Caroline Watkins Powell
Kimberly Jessup Ripberger

John Calvin Roland
Sarah Anne Sealey
Kelly A. Senogles
Catherine M. Sharpe
Patrick Haines Simmons

Xiaojun Song
Damuel J. Stewart
Jennifer Kay Wagstaff
William Bryan Warren

The Committee reviewed the original application submitted by Diana Michele Miller. Ms. Miller wanted to use Professional Development for Engineers towards the ethics requirement in the fields of study. The Committee disapproved her request because ethics was not the primary focus of the course and the ethics contained in the course were geared toward engineers and not to the business environment.

Reciprocal Certificate Applications - The application submitted by Jason Gene Sullivan was approved.

Temporary Permits - The following temporary permits were approved by the Executive Director and ratified by the Board:

Shannon Patricia Bogan T03243
Leigh Ann Johnson T03244
Lisa Ann Madden T03245
Camillo T. Tramontana T03246
Mindy L. Zimmerman T03247

Jesse James Bachman T03248
Douglas Albert Haddock T03249
Danica Lynn Little T03250
Richard Anthony Schreiber T03251

Reinstatements - The reinstatement application submitted by Kevin Carl Odiorne (#25998) was approved.

Reissuance of New Certificate - Applications for reissuance of new certificates and consent agreements submitted by the following individuals were approved.

Michael Lawrence Mospan #11651
Angelica Willeford #28619

Firm Registrations - The following professional corporations, professional limited liability companies, and limited liability partnerships were approved by the Executive Director and ratified by the Board:

Patrick A. Beach, CPA, PC
Ehrhardt, Keefe, Steiner & Hottman, P.C.
GREENE, FINNEY & HORTON LLP

Kevin T. Howard, CPA/PFS, P.A.
OWEN W. PIRKLE, CPA, PA
G.A. Record, PLLC

Reclassifications - The Committee approved the following requests for retired status because the individuals are completely retired and do not receive any earned compensation for current personal services in any job whatsoever:

William N. Gantt #2213
Virginia Haworth Lindquist #21338
Lori Adams Ozaki #26485

CPE Sponsors

Staff recommended removing Holden Moss Knott Clark Copley & Hoyle PA from the CPE sponsor register for continued failure to comply with 21 NCAC 8G .0403(d)(3) and failure to meet the 30-day notice requirement. The Committee approved staff recommendation.

The Committee reviewed a request from the UNC School of Government to reinstate its sponsor registration. The registration was reinstated with one-year probation.

Extension Requests - The Committee approved Fred Shackelford (#8196) for extension for completion of CPE until June 30, 2005.

Examinations - The Committee reviewed and approved the following staff-approved applicants to sit for the Uniform CPA Examination:

Angela Marie Allen
Jason Corneilus Anderson
William Jeffrey Assell Jr
Matthew Justin Barnette
Melanie Tate Bergey
Elizabeth Tyler Berry
Summer Leigh Biles
Garrett Dwight Bolden
Paulina D. Bolton
Sally Joelene Boseman
Elizabeth Prunka Breen
Leigh Michaux Bullin
Misty Dawn Buonsignore
Dana Jeanette Call
Kimberly Renee Carland
Robbie Brett Chapman
Xu Chen
Matthew Taylor Clark
Victoria Elizabeth Coble
Brett Alan Cohen

Latrice Catherine Smith Collins
Rachel Cecilia Cone
Greg Michael Cooley
Brooke Windsor Cox
Avaleen Keisha Crawford
Brian Michael Crossland
Stacy Lee Darnall
Dipak P. Dave
Sunita Jagdish Dave
Rebecca Anne Davidson
Laura Hope Demski
Chad Cameron Dickens
Megan Kathleen Dix
Juliana Therese Driessen
Dakota James Dunne
Chad Richard Edwards
Joshua Martin Ellis
Jamie Lynn Engel
Edward William Falco
Evelyn Wells Fisher

Amy Lynn Ford
Mark Alexander Gabriel
John Randolph Gard
Amy Lynn Glover
Shawn Mitchell Graham
Robert Andrew Hale
Cori Ann Hansen
Cheryl Ann Harrigan
Dana Marie Harrington
Melissa Moring Harris
Susan King Harris
Zhihong He
Leslie Michelle Hedrick
Jennifer Lynn Hicks
Deborah Michele Holcomb
Keith Eric Howard
Katarina Maria Hyden
Juna Rachel John
Lindsay Anne Kellam
Mi Joo Kim
Allen Roy Landel II
Sheila Hunter Langston
Danna Jane Layne
Whitney Morrell Lee
Kathleen Dianne Leopard
Timothy Michael Ligay
Jessica May Lucas
Richard Glenn Mace
Lynn Eisenman Mandell
Heather Marie Marron
Morgan Anne Masten
Brian May
Erin Renee McCorkle
Ellen C. McNally
David Lee McPherson
Lauren Brooke McSwain
Jennifer Lyn Meeks
Julie Marie Messenger
Justin Derrington Miller
Kelley Elaine Miltier
Sarah Melissa Minton
Amber Renae Monahan
Lisa Dawn Moore

Julie Elizabeth Morgan
Michael Christian Murray
Malini Natarajan
Leah Beth Payne Noel
Audrea Russo Norris
David Michael O'Brien
Parker Douglas O'Daniel
Alisha Kelsey O'Reilly
Jennifer Michelle Onesko
Angela Marie Pate
Deepa Indravadan Patel
David Lacy Patterson
Shalinee Prasada
Ashley Maureen Prendergast
Jennifer Robinson Queen
Gwendolyn McMillian Reilly
Samantha Rae Reynolds
Robynn R. Rutledge
Eugene Courtney Saunders
Faye Louise Shisslak
Kaysie Michelle Silver
Jonathan Blake Smith
Lauren Marie Spegal
Leigh Batten Spencer
Steven Michael Stamper
Justin Alan Stiles
Laurie Lynn Strumski
Matthew R. Stuart
Christopher James Surratt
Michael Edward Szarpa
John Edward Tillman
Barbara Delaconcepcion Tinney
Jared Michael Titzer
Kristen Elisabeth Tofil
Suzanne Marie Toruk
James Shawn Trogdon
Gbolade Olatunde Tubi
Gregory Huston Turlington
Stuart Tyler Wall
Elmer Glenn Wessel Jr
Susan Smith Whitfield
Cormekki B. Whitley
Benjamin Mims Whitlock

Keith Edward Williams
Kimberly Leigh Williams
Carole Emily Wilson
Matthew Ryan Wood

Yen Chun Wu
Caixuan Xu
Michal Ellen Yarborough
Wei Zhang

PUBLIC HEARING: President Jones moved to convene the Public Hearing scheduled to hear Case No. 200411-049, L. Douglas Johnson's request for modification of disciplinary action taken in Case No. 9904-044. Mr. Johnson was sworn in and presented testimony along with evidence provided by his attorney, Michael Weddington. Messrs. Jordan and Cox moved to enter Closed Session with Legal Counsel and without Staff to consider the matter. The Board re-entered Public Hearing and Messrs. Winstead and Harris moved to approve a Board Order denying Mr. Johnson's request for modification of disciplinary action. Motion passed with six (6) affirmative and one (1) negative vote. The entire Public Hearing is a matter of Public Record (Appendix III).

EXECUTIVE STAFF AND LEGAL COUNSEL REPORT: The Board reviewed and approved the request by Staff to set up a computer for students and exam candidates to use at the Board office to take the Uniform CPA Examination sample test.

ADJOURNMENT: Messrs. Harris and Cox moved to adjourn the meeting at 2:00 p.m. Motion passed.

Respectfully submitted:

Attested to by:



Robert N. Brooks
Executive Director



Leonard W. Jones, CPA
President

10. Applicant's felony conviction was a violation of NCGS 93-12 (9) and 21 NCAC 8N .0203.
11. Pursuant to a Consent Order, the Certified Public Accountant certificate issued to Applicant was permanently revoked effective October 18, 1999.
12. In support of his request for modification of discipline, Applicant has provided supporting recommendations from three (3) certified public accountants and a letter describing Applicant's rehabilitation efforts.

CONCLUSIONS OF LAW

1. The Hearing was duly noticed pursuant to NCGS 150B-38 (b)(c) and 21 NCAC 8C.0103 and conducted with a quorum of Board members and all necessary parties present.
2. Since the discipline in this case was determined by consent to permanent revocation, pursuant to 21 NCAC 8I .0104, the burden of establishing a justification for modifying the earlier discipline is upon the applicant.
3. Applicant has not presented persuasive evidence that he has been completely rehabilitated and that he has support of the aggrieved parties and the community.

BASED ON THE FOREGOING, the Board orders in a vote of 6 to 1 that:

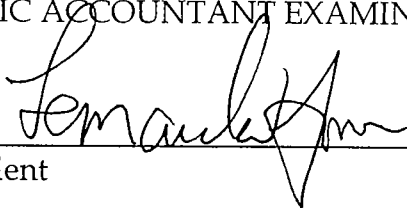
1. Lawton Douglas Johnson's application for modification of discipline is denied.

This the 16th day of May 2005.

BOARD
SEAL

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BY: _____
President



NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200411-049

IN THE MATTER OF:
Lawton Douglas Johnson, #14238
Applicant

BOARD ORDER

THIS CAUSE coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, at public hearing, with a quorum present, the Board finds, based on the evidence presented at the hearing on May 16, 2005, that:

FINDINGS OF FACT

1. The parties have been properly identified.
2. The Board has jurisdiction over Applicant and this matter.
3. Applicant received at least fifteen (15) days written Notice of Hearing of this Matter by personal service, certified mail, or other approved personal delivery; or otherwise has no objection to the Notice of Hearing.
4. Venue is proper and the Noticed Hearing was properly held at 1101 Oberlin Road, Raleigh, Wake County, North Carolina.
5. Applicant had no objection to any Board Member's participation in the Hearing of this Matter.
6. Applicant was present at the Hearing and was represented by counsel.
7. Applicant was the holder of a certificate as a Certified Public Accountant in North Carolina and is therefore subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
8. The matter is before the Board upon application by Applicant for modification of discipline pursuant to 21 NCAC 8I .0104.
9. In March of 1999, Applicant pleaded guilty, pursuant to a plea arrangement, to one (1) felony.

Consent Order - 2
Randall Davis Blackburn

2. Respondent's actions as set out above constitute violations of NCGS 93-12 (9) e and 21 NCAC 8N .0201, .0202 (a), .0203 (b)(1), .0204 (c), and .0207.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. The Certified Public Accountant certificate issued to Respondent, Randall Davis Blackburn, is hereby permanently revoked.

CONSENTED TO THIS THE 25th DAY OF April, 2005.

Randall D. Blackburn
Respondent

APPROVED BY THE BOARD THIS THE 16th DAY OF May, 2005.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL

BY: Lemuel J. Smith
President

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200405-021

IN THE MATTER OF:
Randall Davis Blackburn, #12480
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 12480 as a Certified Public Accountant.
2. Respondent failed to timely file his individual federal and state tax returns for 1998, 1999, 2000, 2001, and 2002. No additional tax was owed on the unfiled returns.
3. In January of 2004, pursuant to a plea agreement, Respondent entered a guilty plea to one (1) count of willfully failing to file his North Carolina individual income tax return for 2000. Respondent was thereupon convicted and sentenced to forty (40) days in custody, which sentence was suspended, and he was placed on twelve (12) months of supervised probation. In addition, Respondent was required to pay a three hundred dollar (\$300.00) fine, to file his 2000 and 2001 state tax returns by February 27, 2004, to file his 2002 state tax return within thirty (30) days, and to pay the costs of court.
4. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.

2. Respondent's actions as set out above constitute violations of NCGS 93-12 (9)e and 21 NCAC 8N .0201, .0202 (a), and .0203 (b)(1).

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. If Respondent is again convicted, pleads guilty, pleads *nolo contendere*, or seeks a Prayer for Judgment Continued for any motor vehicle violations other than the September 15, 2004 charge, Respondent's CPA certificate shall be suspended for at least three (3) years.
2. If, pursuant to Paragraph 1 above, Respondent's certificate is suspended, after three (3) years from the date that Respondent's certificate is suspended, Respondent may apply to return his certificate to active status upon a showing that he has had no further motor vehicle violations or crimes and by submission and approval of a reinstatement application which includes the following:
 - a. Application form,
 - b. Payment of the application fee,
 - c. 3 moral character affidavits, and
 - d. 40 hours of CPE in 12 months preceding the application including an 8 hour accountancy law course as offered by the North Carolina Association of CPAs in a group study format.

CONSENTED TO THIS THE 29th DAY OF April, 2005.

Stephen H. Gibson
Respondent

APPROVED BY THE BOARD THIS THE 16th DAY OF May, 2005.

BOARD
SEAL

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BY: Lernando J. Pineda
President

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200310-046

IN THE MATTER OF:
Stephen Howard Gibson, #10406
Respondent

SUPPLEMENTAL
CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 10406 as a Certified Public Accountant.
2. On June 22, 2004, the Board approved a Consent Order signed by Respondent which disciplined Respondent for repeated failures to disclose on his certificate renewals the convictions and suspensions of his driving privileges for driving while impaired.
3. On September 15, 2004, Respondent was charged with driving with a revoked license and operating a vehicle with a fictitious registration plate.
4. While Respondent has represented in his communications with the Board that he is making progress in his rehabilitation efforts for alcohol abuse, Respondent has allegedly continued to violate applicable traffic law by driving with a revoked license and operating a vehicle with a fictitious registration plate.
5. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.